

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LEONDRE LAVON WALKER,

Defendant-Appellant.

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UNPUBLISHED

May 12, 2009

No. 283164

Wayne Circuit Court

LC No. 07-010558-FC

Before: Borrello, P.J., and Murphy and M.J. Kelly, JJ.

PER CURIAM.

Following a jury trial, defendant Leondre Lavon Walker was convicted of assault with intent to murder, MCL 750.83; felon in possession of a firearm, MCL 750.224f; and possession of a firearm during the commission of a felony, MCL 750.227b. He appeals as of right. For the reasons set forth in this opinion, we affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues there was insufficient evidence to support his conviction for assault with intent to murder, and thus, the trial court should have granted his motion for a directed verdict. Specifically, defendant maintains that the evidence did not establish that he had a specific intent to kill the victim. “A claim of insufficient evidence is reviewed de novo, in a light most favorable to the prosecution, to determine whether the evidence would justify a rational jury’s finding that the defendant was guilty beyond a reasonable doubt.” *People v McGhee*, 268 Mich App 600, 622; 709 NW2d 595 (2005). A challenge to the trial court’s decision on a motion for a directed verdict has the same standard of review as a challenge to the sufficiency of the evidence. *People v Aldrich*, 246 Mich App 101, 122-123; 631 NW2d 67 (2001).

To convict a defendant of an assault with intent to murder, the prosecutor must prove the following three elements: “1) an assault, 2) with an actual intent to kill, 3) which, if successful, would make the killing murder.” *People v Hoffman*, 225 Mich App 103, 111; 570 NW2d 146 (1997). This offense is a specific intent crime. *People v Lipps*, 167 Mich App 99, 105; 421 NW2d 586 (1988). However, the intent to kill can be inferred from the evidence. *People v Lawton*, 196 Mich App 341, 350; 492 NW2d 810 (1992). “Circumstantial evidence and reasonable inferences arising from the evidence may constitute satisfactory proof of the elements of the offense.” *Lawton, supra*. And, “because of the difficulty of proving an actor’s state of

mind, minimal circumstantial evidence is sufficient.” *People v McRunels*, 237 Mich App 168, 181; 603 NW2d 95 (1999).

In the present case, the evidence viewed in a light most favorable to the prosecutor reveals defendant approached Joseph Carver and fired three shots from an assault weapon at close range. Carver owed defendant money from a prior drug purchase and defendant demanded the money. Defendant ascertained the location of Carver’s truck and arranged a drug transaction with Carver’s friend. Carver drove to the meeting and parked. Defendant pulled up, exited his vehicle with an assault weapon and approached Carver’s truck. After asking Carver for the money he was owed, defendant shot Carver without even waiting for Carver to finish answering the question about the money. After defendant shot and injured Carver the first time, defendant fired two more shots at Carver while he lay injured and defenseless on the ground. Carver suffered serious, life threatening injuries. Defendant’s argument that he did not intend to kill Carver as evidenced by his decision not to shoot Carver in the head or chest is meritless. Defendant may have had the option to more swiftly kill Carver, but this does not negate that the facts of the case viewed favorably to the prosecution fully support a finding of intent to kill beyond a reasonable doubt. See e.g. *People v Davis*, 216 Mich App 47, 53; 549 NW2d 1 (1996) (There was sufficient evidence to convict the defendant of assault with intent to murder because “the defendant pointed a pistol at [] [the victim], warned him not to come any closer or he would kill him, and pulled the trigger several times (but no bullets fired).”); *People v Hollis*, 140 Mich App 589, 592-593; 366 NW2d 29 (1985) (There was sufficient evidence to convict the defendant of the offense of assault with intent to murder because the defendant knew that aiming a handgun at someone and firing that gun had the “great possibility that that person may be killed.”).

Affirmed.

/s/ Stephen L. Borrello  
/s/ William B. Murphy  
/s/ Michael J. Kelly